

REMARKS/ARGUMENTS

The Office Action of February 27, 2007, has been reviewed, and in view of the following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested. Claims 7, 11-35, 42 and 46-66 are canceled. Claims 1-6, 8-10, 36-41 and 43-45 remain pending. In response to the claim objection, claim 43 has been amended to change its dependency from claim 42 (now canceled) to claim 36. *No new matter has been added.*

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-6, 8-10, 36-41 and 43-45 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,930,778 to Geer (“Geer”) in view of U.S. Patent No. 6,457,006 to Gruenwald (“Gruenwald”).

Geer purports to disclose a system for expediting the clearing of financial instruments and coordinating the same with invoice processing at the point of receipt. In connection with example I, Geer specifically states that paper checks are not transported (column 6, lines 40-41). Information is extracted from the checks and converted into electronic form (column 6, lines 41-45). The physical checks are disposed of following the imaging and archival storage so that checks are truncated at the point of receipt (column 6, lines 41-49). As shown in Figure 1, paper checks are imaged at 7 and subsequently archived and destroyed at 9. The electronic information is scanned at 6. Geer fails to show a correlation between the electronic image at 7 and the scanned information at 6.

The Office Action admits the major deficiencies of Geer. More specifically, Geer fails to show at least the step “discarding the second item sequence numbers such that the second

records are indexable according to the first item sequence number *wherein the second records and the digital images are linked to the first records by the first item sequence number.*” See page 4, Office Action mailed February 27, 2007.

In addition, Geer further fails to show “receiving the paper-based banking transactions after having received the ECP file.”¹ The excerpt relied upon by the Office Action fails to show that paper-based banking transactions are received *after* the ECP file. This limitation is clearly lacking in Geer. Further, Grunewald fails to disclose this missing claim recitation.

Geer also fails to show the step of “*correlating the first and second records.*”² The Office Action relies on col. 1, lines 58-65 of Geer which refers to internal accounting procedures of the payor that reconciles the invoice and the payment with the payor’s account with the payee. The Examiner takes this claim recitation in isolation and attempts to find support in an unrelated excerpt in Geer. More importantly, the excerpt relied upon by the Office Action does not apply to “the first record and second records,” as identified in the claims. Accordingly, the Office Action has failed to properly address each and every recitation of the claims.

The Office Action relies upon Grunewald for the admitted major deficiencies of Geer. Grunewald’s disclosure fails to address the step of “discarding the second item sequence numbers such that the second records are indexable according to the first item sequence number wherein the second records and the digital images are linked to the first records by the first item sequence number.” In contrast, Grunewald is directed to organizing data; more specifically, to organizing raw data from one or more sources used in a mechanism for identifying duplicate data between fields (e.g., columns) in the databases. *See Abstract.* The fields may be similar fields

¹ Office Action mailed February 4, 2005 admits that Geer does not disclose this limitation, see page 3.

² Office Action mailed February 28, 2006 admits that Geer does not disclose this limitation, see pages 3, 4.

within a single database, as organized as arrays or field vectors. *Id.* In addition, there is no effort by the Office Action to address the recitation “*wherein the second records and the digital images are linked to the first records by the first item sequence number.*” Moreover, Grunewald fails to disclose or teach this claim recitation.

The applied references all fail to address each and every recitation of the claims. For these reasons alone, the rejections are improper.

Based on these disclosures, the Office Action summarily concludes that it would have been obvious to combine the disclosures of Geer and Grunewald “to improve memory usage and the performance of the database.” *See* page 5, Office Action mailed February 27, 2007. Geer purports to be a system for expediting the clearing of financial instruments and coordinating the same with invoice processing at the point of receipt. As such, Geer does not indicate memory usage and database performance as concerns. The Office Action has failed to provide a proper statement of motivation for combining the disparate references. Instead, the alleged statements of motivation are based on improper hindsight.

As is understood, “the prior art as a whole must be considered … [t]he teachings are to be viewed as they would have been viewed by one of ordinary skill.” *In re Hedges*, 783 F.2d 1038, 1041 (Fed. Cir. 1986). In addition, “[i]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” (quoting *In re Wesselau*, 353 F.2d 238, 241 (CCPA, 1965)).

As the remaining dependent claims 2-6, 8-10, 37-41 and 43-45 encompass the limitations of independent claims 1 and 36, these claims should be allowed for at least the reasons stated above.

CONCLUSION

In view of the foregoing amendments and arguments, it is respectfully submitted that this application is now in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that no fees are due for filing this Response. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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